

In The Court Of Appeal Of The State Of California

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Sixth Appellate District

San Jose, California

MONDAY, JANUARY 12, 2009

H031793 GUZIK v. LEE, et al.

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed January 12, 2009

TUESDAY, JANUARY 13, 2009

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Duffy, J.; and Jane Valdez Flor, Deputy Clerk.

H032584 PEOPLE v. GIL

Cause called and argued by Michael E. Allen appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032427 In re HECTOR A. OROPEZA

Cause called and argued by Jacob Burland appearing for Respondent and by Amanda Murray, Deputy Attorney General, appearing for Appellant. Cause ordered submitted.

Rushing, P.J. leaves the bench. Elia, J. takes the bench.

H032310 CURTIS v. BERLINER COHEN LAW FIRM

Cause called and argued by Norman Charles Newhouse appearing for Appellant and by Steven R. Manchester appearing for Respondent. Cause ordered submitted.

Premo, Acting P.J. and Elia, J. leave the bench. Bamattre-Manoukian, Acting P.J. and McAdams, J. take the bench.

H031941 PEOPLE v. ENDERS

Cause called and argued by Thomas S. Worthington appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032733 PAJARO WALL STREET INN, LLC v. CIBA INSURANCE SERVICES, et al.

Cause called and argued by Jeff M. Fackler appearing for Appellant and by Larry Millard Arnold appearing for Respondent Axis Surplus Insurance Co. Cause ordered submitted.

Court is adjourned until 1:30 p.m.

Sixth Appellate District

San Jose, California

Tuesday, January 13, 2009 (continued)

The following cases are submitted this date:

H033138 PEOPLE v. ARGUELLO
H032707 PEOPLE v. FLORES
H033406 PEOPLE v. TORRES
H033205 PEOPLE v. MCNULTY
H033390 PEOPLE v. KOZLOWSKI
H033242 PEOPLE v. JEFFERSON
H032993 PEOPLE v. RAMIREZ
H033504 PEOPLE v. GONZALES
H033020 PEOPLE v. BROWN
H032956 PEOPLE v. GARCIA
H033031 PEOPLE v. DANIELS

H032595 In re C.K., et al.; D.F.C.S. v. J.K.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 13, 2009

*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

H032641 MARRIAGE OF ZDENKA AND HERMAN ASTER

The postjudgment order is affirmed. Zdenka is entitled to her costs and attorney fees, if any, in an amount to be determined by the superior court. In addition, Herman is ordered to pay \$10,000 to the clerk of this court as a sanction for pursuing a frivolous appeal. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed January 13, 2009

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H032390 ALTER v. ALTER

Cause called and argued by Bernard N. Wolf appearing for Appellant Cindie Alter and by Garrett Dailey appearing for Appellant Jack Alter. Cause ordered submitted.

H032678 EBUSINESS APPLICATION SOLUTIONS, INC., et al. v. GUPTA, et al.

Cause called and argued by Steven Adelman appearing for Appellant Sunita Gupta, Julian Biggs appearing for Appellant Dinesh Gupta, and by Sheldon Eisenberg appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, January 13, 2009 (continued)

H032206 PEOPLE v. AMERICAN SURETY COMPANY

Cause called. No appearance made on behalf of appellant.
Cause argued by J. Michael Hogan appearing for Respondent. Cause
ordered submitted.

H032458 PEOPLE v. AMERICAN SURETY COMPANY

Cause called. No appearance made on behalf of appellant.
Cause argued by J. Michael Hogan appearing for Respondent. Cause
ordered submitted.

H031721 SUNNYVALE UNIFIED SCHOOL DISTRICT v. JACOBS, et al.

Cause called and argued by Priscilla Winslow appearing for
Appellants and by John Yeh appearing for Respondent. Cause
ordered submitted.

H032371 TIN TIN CORPORATION, et al. v. PACIFIC RIM PARK, LLC

Cause called and argued by Judy Tsai appearing for
Appellants Tin Tin Corporation, et al., and by Kenneth Ryan
VanVleck appearing for Appellant Pacific Rim Park, LLC. Cause
ordered submitted.

Court is adjourned.

H031293 CITY OF MILPITAS v. ROBERT YEN

By the Court*:

Appellant's petition for rehearing is denied.

Filed: January 13, 2009

*Before Rushing, P.J., Premo, J., and Bamattre-Manoukian, J.

WEDNESDAY, JANUARY 14, 2009

H032507 PEOPLE v. RUDY A.

The case is remanded for the juvenile court to declare the
allegation of possession of a loaded firearm as either a felony
or a misdemeanor, as required by Welfare and Institutions Code,
section 702. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed January 14, 2009

H031729 PEOPLE v. CONNELLY

The order is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Duffy, J.)

Filed January 14, 2009

Sixth Appellate District

San Jose, California

Wednesday, January 14, 2009 (continued)

H033178 PEOPLE v. RUBIO

The judgment is reversed pursuant to the stipulation of the parties. Each party to bear their own attorney fees and costs on appeal. The remittitur shall issue forthwith. (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 14, 2009

H033067 In re D.N.; DFCS v. S.V

The appeal is dismissed as abandoned. (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 14, 2009

H033181 In re D.W.; DFCS v. V.C.

The appeal is dismissed as abandoned. (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 14, 2009

H032897 In re BABY GIRL G.; DFCS v. G.G.

The appeal is dismissed as abandoned. (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 14, 2009

THURSDAY, JANUARY 15, 2009

The following case is submitted this date:

H032708 PEOPLE v. SHYSHKA

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and LaNae Brooks, Deputy Clerk.

H032772 ANDERSON v. ROBERT BARNES, et al.

Cause called and argued by Christopher James D'Anjou appearing for Appellant and by John C. Stein appearing for Respondents. Cause ordered submitted.

H032525 In re Marriage of JULIE SCHLAFLY v. ROGER SCHLAFLY

Cause called and argued by appellant Roger Schlafly appearing in propria persona and by respondent Julie Schlafly appearing in propria personia. Cause ordered submitted.

Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Thursday, January 15, 2009 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Mihara, J.; McAdams, J.; and W. Magsaysay, Deputy Clerk.

H031575 KUO v. SUN

Cause called and argued by Steven Gruel appearing for Appellant and by James Wagstaffe appearing for Respondent. Cause ordered submitted.

H031572 CHOI, et al. v. KIM, et al.

Cause called and argued by Brian Song appearing for Appellants and by Mark Freschi appearing for Respondents. Court directs both counsel to address the issue of timeliness of the appeal only at this time. If the court finds that the appeal is timely, counsel will be allowed to argue the merits of the appeal at a date and time to be advised. Cause ordered submitted.

H031658 COUNTY OF SANTA CLARA, et al. v. SUPERIOR COURT
(CALIFORNIA FIRST AMENDED COALITION)

Cause called and argued by Robert Nakamae appearing for Petitioners and by Rachel Matteo-Boehm appearing for Real Party in Interest. Cause ordered submitted.

Elia, Acting P.J. then leaves the bench; Duffy, J. thereafter joins the panel composed of Mihara, Acting P.J. and McAdams, J.

H032324 PEOPLE v. ROGERS

Cause called and argued by Solomon Wollack appearing for Appellants and by Eric Share, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032067 GREAT OAKS WATER COMPANY v. SANTA CLARA VALLEY WATER
DISTRICT

Cause called and argued by Jeffrey Lawson appearing for Appellant and by Thomas Berliner appearing for Respondent. Cause ordered submitted. Court adjourns.

H033239 BOARD OF PAROLE HEARINGS v. SUPERIOR COURT OF SANTA
CLARA

Filed order publishing opinion.
(Elia, J., Premo, Acting P.J., Duffy, J.)

Sixth Appellate District

San Jose, California

Thursday, January 15, 2009 (continued)

H032196 MOLENDIA v. DEPARTMENT OF MOTOR VEHICLES

By the Court:

On the court's own motion, the submission order of December 4, 2008, is hereby vacated so the court may further examine the issues raised in counsel's letter briefs. The cause will be resubmitted on February 2, 2009.

Dated: January 15, 2009 McAdams, Acting P.J.

H032898 PEOPLE v. AYLSWORTH

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 15, 2009

FRIDAY, JANUARY 16, 2009

H031108 SHAW et al. v. COUNTY OF SANTA CRUZ, et al.

Filed order publishing opinion.
(Duffy, J., Bamattre-Manoukian, Acting P.J.)

H030823 PEOPLE v. MILINICH

The order is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed January 16, 2009